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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1310 /2001.

PETITIONER : S.Bharpur Singh Grewal son of late S.Kartar Singh, aged about 70 years, B-22, New Bombay Market, G.E.Road, Raipur (C.G.)
Occupation : Nil (Senior Citizen) infirm.

P.R. No. 1230/01
Presented by Shri Bharpur Singh Grewal petitioner in person
dated 17-7-01

V E R S U S

RESPONDENTS : (1) State of Chhattisgarh
Through : Chief Secretary, Govt. of Chhattisgarh, Raipur.
(2) Collector, Bastar, Jagdalpur (C.G.).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA :

(10)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1310/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.12.2001

Shri V.K.Pandey learned counsel for the petitioner.

Shri Gautam Bhaduri learned Government advocate for the State.

Heard.

In stead of entering into the details and also merits of the rival contentions it appears that in view of the statement that the M.P. State Minority Commission had issued a direction on 30.11.2001 directing the Chief Secretary of the Government to decide the matter after giving opportunity to the petitioner of being heard, it would be fair for this Court to say that it is incumbent upon the State authority to examine the matter on merit. While doing so the petitioner shall be allowed to say what he wishes to say before the State authority.

It is contended that the petitioner and his father who were ex servicemen were given land grants in 1968 (10 acres each). However, sometime during the emergency period in 1975 while the writ petitioner was in jail the lease in respect of the land came to be cancelled by respondentno.2. After the petitioner was released he wanted to file an appeal and in this regard he requested for certified true copy of the order of cancellation. Unfortunately, no such copy was issued to him. At long last he approached M.P. State Minority Commission. As stated above a

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direction was issued for examining the matter on merit. As nothing has been done in accordance with the directions issued by the Minority Commission the petitioner has approached this Court seeking necessary direction to be issued to the State authority to decide the matter on merit. Mr.Gautam Bhaduri learned GA prays for time to file reply.

I am of the view that since some direction has already been issued,the State authority may examine the matter. In the meantime, it has been stated that the father of the petitioner died in December 1975. In my view it will be fair that such matter is given priority.

In the result, this petition is disposed of with a direction that the case of the writ petitioner shall be decided by the Commissioner, Revenue ,Bastar. The petitioner Shall approach Commissioner, Bastar within 15 days from today together with a copy of this order and on receipt of the same the Commissioner, Revenue, Bastar, shall proceed to decide the matter after giving an opportunity of being heard to the writ petitioner within a further period of not later than 3 months.

The petition is accordingly disposed of.

Sd/-
Chief Justice